

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

DIJON HARRIS,

Defendant.

DECISION AND ORDER
14-CR-177-A

This case was referred to Magistrate Judge Jeremiah J. McCarthy pursuant to 28 U.S.C. § 636(b)(1)(B) for pretrial proceedings. Counsel for the defendant, Dijon Harris, filed motions to suppress evidence and statements (Dkt. Nos. 17, 25, 31, 53, 93, and 123). A suppression hearing was held on February 8th, March 8th, and April 13, 2017, and post-hearing briefs were submitted by the parties. Oral argument was held before Magistrate Judge McCarthy on August 10, 2017. The Magistrate Judge filed a Report and Recommendation (Dkt. No. 143) on August 29, 2017, that recommends that defendant Harris' motions to suppress should be denied.

Defendant Harris filed objections to the Report and Recommendation (Dkt. No. 146). Pursuant to 28 U.S.C. §636(b)(1), the Court must make a *de novo* determination of those portions of the Report and Recommendation to which objections have been made. Upon *de novo* review, and after reviewing the submissions of the parties, and hearing oral argument on December 18, 2017, it is hereby

ORDERED that defendant Harris' motions to suppress evidence and to suppress statements are denied for the reasons stated in the Report and

Recommendation. The Court has considered all of the defendant's objections, and finds them to be without merit. It is further

ORDERED, counsel for the parties shall appear to set a date for the trial of defendant Harris on Wednesday, January 24, 2018 at 9:30 a.m.

IT IS SO ORDERED.

S/Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: January 23, 2018